

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA

**NOTE:** There is one Supplementary and one Extraordinary issue to the Official Gazette Series I No. 48 dated 29-2-96 as follows:

- 1) Supplement dated 29-2-96 from pages 529 to 530 regarding Notification from Department of Tourism.
- 2) Extraordinary dated 29-2-96 from pages 531 to 532 regarding Notifications from Department of Law and Judiciary (Law Establishment Division) and Department of Urban Development.

### GOVERNMENT OF GOA

#### Department of Panchayat Raj and Community Development

Directorate of Panchayats

#### Notification

20/6/DP/Gram Sabha/Meet/Rules/96/263

The following draft of certain Rules which are proposed to be made under the Goa Panchayat Raj Act, 1994 (Goa Act No. 14 of 1994), is hereby pre-published as required by sub-section (1) of section 240 of the said Act, 1993 for information of the persons likely to be affected thereby and notice is hereby given that the said Draft Rules will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this notification in the Official Gazette.

All objections and suggestions to the draft rules may be forwarded to the Secretary to the Government of Goa in charge of Panchayats Secretariat, Panaji, before the expiry of thirty days from the date of publication of this notification in the Official Gazette.

#### DRAFT RULES

In exercise of the powers conferred by sub-section (1) section 5 read with sub-section (1) 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) the Government of Goa hereby makes the following rules, namely:—

1. **Short title and commencement.**— (1) These rules may be called the Goa Panchayats (Gram Sabha Meetings) Rules, 1996.

(2) They shall come into force at once.

2. **Place of meeting.**— The meeting of the Gram Sabha shall ordinarily be held in the office of the Panchayat or at any other convenient public place accessible to all the villagers as may be determined by the Sarpanch or in his absence by the Deputy Sarpanch.

3. **Date of meeting of Gram Sabha.**— The first meeting of the Gram Sabha shall be held on the first Sunday of the month of May and the second meeting shall be held on the first Sunday of the month of November, December of every Year.

4. **Time of meeting.**— The first and second meeting of the Gram Sabha shall be held at 11.00 hrs.

5. **Notice of the ordinary and extraordinary meeting.**— The notice of an ordinary meeting of the Gram Sabha shall be given at least seven clear days before the date of such meeting and in the case of an extraordinary meeting at least four days before the the date of such meeting.

6. **Mode of publication of notice of meeting.**— A notice of the meeting, either ordinary or extraordinary, of the Gram Sabha shall be published.

(a) by affixing it at the office of the Panchayat and at any other conspicuous public place or places in the village, and

(b) by publishing it in any one local newspaper which is widely circulated in the village.

7. **Contents of the notice.**— The notice of a meeting of the Gram Sabha shall specify the date, time and place of the meeting and the nature of the business to be transacted at the meeting. The business to be transacted at the meeting shall include items as provided in sub-section (1)<sup>a</sup> section 6 of the Act.

8. **Mode of placing proposals.**— (1) Any proposal, which a person desires to place before a meeting of the Gram Sabha, may be sent by him to the Sarpanch or in his absence to the Deputy Sarpanch at least four days before the date of the meeting. The Sarpanch or in his absence the Deputy Sarpanch shall decide whether any such proposal received before or after the publication of the notice should be placed before the meeting of the Gram Sabha or not the Sarpanch or in his absence the Dy. Sarpanch may dissolve any such proposal on any of the following grounds:—

(i) If the proposal is of defamatory character.

(ii) If the language used in the proposal is offensive.

(iii) If the proposal is of trivial nature.

(iv) If the proposal is against public interest.

(v) If the proposal is in respect of matter which is subjudice.

(2) If the proposal to be placed before the meeting of the Gram Sabha is to dissolve on any other ground, the Sarpanch or in his absence the Deputy Sarpanch shall raise the matter before the panchayat whose decision in the matter shall be final.

9. Consideration of proposal by Panchayat a meeting of the panchayat shall be held on the day immediately proceeding the date fixed for the meeting of the Gram Sabha to consider the proposals scheduled to come up before the meeting of the Gram Sabha.

#### 10. Business of the meeting :—

1. The minutes of the previous meeting shall be read at each meeting and shall be confirmed and signed by the person presiding at the meeting.

2. Except with the permission of the person presiding at the meeting.

(a) no business, which is not include in the notice shall be transacted at any meeting.

(b) the business to be transacted at a meeting shall ordinarily be taken in the order in which it is entered in the notice.

3. If the business of a meeting is left undisposed, the person presiding at the meeting may, with the consent of the persons present, adjourn the meeting to a subsequent date, time and place to be announced in the meeting. No other fresh business shall be transacted at such adjourned meeting.

11. Persons presiding may disallow discussion of proposition beyond the competence. The person presiding at the meeting may disallow the discussion of any proposition which he considers to be beyond the competence of the Gram Sabha and in doing so, he shall record his reasons in writing.

12. Discussion of proposition and decision on point of order. All propositions, not disallowed by the persons presiding at the meeting, shall be discussed at the meeting of the Gram Sabha. The person presiding at the meeting shall decide all points of order arising during the course of the meeting and his decision thereon shall be final.

13. Duty of the person presiding to preserve order. It shall be duty of the person presiding at the meeting to regulate the transaction of business at the meeting and to preserve order, and for this purpose he shall have all the necessary powers.

14. Power of person presiding to cause withdrawal of member for obstructive conduct. If any member disregards the authority of the person presiding at the meeting or is guilty of obstructive or offensive conduct in a meeting or interrupts the proceedings of a meeting, the person presiding at the meeting shall have the power to cause withdrawal of such person from the meeting.

15. Record of Proceedings. — A brief record of the proceedings of every meeting of the Gram Sabha shall be kept in any of the following languages, namely, Hindi, English, Konkani and Marathi, in a bound book and copy of the proceeding shall be sent

within seven days from the date of the meeting to the Director of Panchayats.

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats and Ex-Officio Joint Secretary.

Panaji, 15th February, 1996.

## Department of Public Works

### Notification

7/10-5/89-PWD(II)

The enlistment of contractors in the Public Works Department/Irrigation Department will be governed as per the Rules annexed hereto, with effect from the publication of this Notification in the Official Gazette.

All the contractors registered in the Public Works Department/Irrigation Department are requested to apply for renewal of their registration one month prior to the expiry of their existing registration certificate.

The schedule of fees for fresh registration and renewal thereof shall be as specified in the Notification No. 7/10-5/89-PWD(II) dated 5th February, 1996.

These Rules shall also be applicable to the enlistment of contractors in the Irrigation Department.

This Notification supersedes all earlier Notifications and Rules on the subject in force in the Public Works Department/Irrigation Department.

By order and in the name of the Governor of Goa.

Maria A. Rodrigues, Under Secretary (PWD).

Panaji, 5th February, 1996.

### RULES REGARDING ENLISTMENT OF CONTRACTORS IN P. W. D., GOVERNMENT OF GOA

The enlistment of contractors in the P.W.D. will be done in the following categories:—

- (1) Buildings.
- (2) Roads, Bridges and Land Development.
- (3) Water Supply and Waste water disposal.
- (4) Irrigation and Hydraulic works.
- (5) Electrical and Mechanical works.
- (6) Furniture.

(1) This category of contractors consists of the following classes:—

- (a) Class I-A Qualified to tender for works upto any amount.

- (b) The contractors or firm having no past experience of building works shall also be eligible for enlistment in this class provided the working capital is not less than Rs. 50,000/-. The individual or one of the partners of the firm should be recognised (Diploma Holder) Civil Engineer with 5 years experience or a Graduate Engineer.

#### Class V:—

- (a) This class of contractors will include petty suppliers as well as those who may be carrying out petty repair works. It is not necessary to specify any qualifications for the recruitment of this class of contractors but the firm should have a working capital of not less than Rs. 25,000/-

#### (2) Roads, Bridges and Land Development Contractors:—

The same stipulations as for above category (buildings) will apply for contractors enlisted under this category. The basic qualifications of experience, etc., for tendering, however, will be related to "roads, bridges and land development" instead of 'buildings'.

#### (3) Water supply and waste water disposal contractors:—

The same stipulations as for above category (buildings) will apply for contractors enlisted under this category. The basic qualifications of experience, etc., for tendering, however, will be related to "Water supply and waste water disposal" instead of 'buildings'.

#### (4) Irrigation and Hydraulic Works Contractors:—

The same stipulations as for above category (buildings) will apply for contractors enlisted under this category. The basic qualifications of experience, etc., for tendering, however, will be related to "Irrigation and Hydraulic works" instead of 'buildings'.

#### (5) Electrical Contractors:—

- (1) This category of contractors consists of the following classes:—

Class I (Elec.)	Qualified to tender for works upto any amount.
Class II (Elec.)	Qualified to tender for works upto Rs. 4.50 lakhs.
Class III (Elec.)	Qualified to tender for works upto Rs. 2.00 lakhs.
Class IV (Elec.)	Qualified to tender for works upto Rs. 45,000/-

- (2) Contractors desiring enlistment in Class I (Elec.) should possess a valid Electrical Licence and should have permanent Engineering Organisation capable of dealing with large works in all their stages. They should employ, from tendering stage onwards one Graduate Electrical Engineer having an experience of not less than 3 years or a Diploma qualified Engineer (Elec.) with not less than seven years experience. They should submit with their applications for enlistment, full details about their Engineering Organisation, if any.

- (3) Contractors enlisted in all classes for Electrical works must have a valid Electrical Licence. In addition, whenever they execute works in this department, they shall employ the following technical staff whenever carrying out such works.

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|---|--|
| (i) For works costing over Rs. 1,50,000/-                                 | One qualified Engineer possessing a University Degree in Electrical Engineering and having experience of not less than 3 years or a recognised Diploma Holder in Electrical Engineering with not less than seven years experience. |
| (ii) For works costing more than Rs. 70,000/- and less than Rs. 1.5 lakhs | One qualified Diploma Holder (Overseer) in Electrical Engineering and having experience of not less than three years or a Graduate Engineer in Electrical Engineering with two years experience.                                   |
| (iii) For works costing more than Rs. 37,000/- but less than Rs. 75,000/- | One qualified Diploma Holder (Overseer) in Electrical Engineering having experience of not less than three years.  |
| (iv) For works costing more than Rs. 7500/- but less than Rs. 37,000/-    | One Licensed Supervisor having experience of not less than 3 years.  |

#### Security Deposit:

- (4) The rates for deposit of security amount by contractors will be as under:

"At the rate of 10% of the gross value of work done in each running bill alongwith the amount of Earnest money, if any, already deposited by the contractor will amount to 10% of the cost of work put to tender subject to a maximum of Rs. 5.00 lakhs.

- (1) The security deposit shall be collected by deductions from the running bills of contractors at the rates mentioned above and earnest money deposited in cash at the time of tender should be converted as a part of the security deposit.

#### Class I (Electrical):—

- (a) Contractors desiring enlistment in this class shall be required to deposit earnest money with each tender in the following manner:—

#### Earnest Money:

2.5% of the estimated cost put to tender subject to maximum of Rs. 1.00 lakhs.

- (b) Contractors desiring enlistment in this class should possess a valid Electrical Licence and have an office capable of preparing estimates and submitting bills regularly for work done, provided for in the contract. Their office should have sufficient technical personnel for preparing estimates and submitting tenders in an intelligent manner and for supervision of works.

- (b) Class I-B Qualified to tender for works upto Rs. Two crores.
- (c) Class II Qualified to tender for works not exceeding Rs. 45.00 lakhs.
- (d) Class III Qualified to tender for works not exceeding Rs. 15.00 lakhs.
- (e) Class IV Qualified to tender for works not exceeding Rs. 4.50 lakhs.
- (f) Class V Qualified to tender for works not exceeding Rs 1.50 lakhs.

(2) Contractors enlisted in Class (I-A), I-B, II and III will be required to employ technical staff of respective branch whenever they execute works in the Department as under:—

- (i) For works costing over Rs. 10.00 lakhs One Graduate Engineer.
- (ii) For works costing more than Rs. 5.00 lakhs but less than Rs. 10.00 lakhs One qualified Diploma Holder Engineer having experience of not less than 3 years.
- (iii) For works costing more than Rs. 2.00 lakhs but less than Rs. 5.00 lakhs One qualified Diploma Holder Engineer.

(3) The rates for deposit of security amount by the contractors will be as under:—

At the rate of 10% of the gross value of the works done in each running bill as alongwith the amount of Earnest Money, if any, already deposited by the contractor, will amount to 10% of the cost of work put to tender, subject to a maximum of Rs. 5.00 lakhs. The total security deposit recoverable from a contractor including the amount of Earnest Money, should not exceed the security amount recoverable at the rates mentioned above.

#### **Earnest Money:**

2.5% of the estimated cost put to tender subject to a maximum of Rs. 1.00 lakhs.

The following qualifications are required for different classes of contractors.

#### **(1) Buildings:**

##### **Class I-A (Buildings):—**

The eligibility criteria for registration of contractors in Class I-A (Buildings) inter alia is as under:—

- (a) Contractors desiring enlistment in this class shall be private or Public limited concerns.
- (b) Contractors desiring enlistment in this class should have a Permanent Engineering Organisation capable of dealing with large works in all their stages. They should have sufficient machinery and tools, etc. at their disposal for which they should also submit details. They should submit alongwith their application, full details about their Engineering Organisation.
- (c) The applicant should have successfully completed at least three works each costing

not less than Rs. 50 lakhs (gross value) during the last five years, on the date of application.

- (d) The applicant should furnish a solvency certificate for not less than Rs. 1.5 crores in the prescribed proforma in a sealed cover from his bankers.

##### **Class I-B (Buildings):—**

The eligibility criteria for registration of contractors in Class I-B (Buildings) inter alia, is as under:—

- (a) Contractors desiring enlistment in this class shall be private or Public limited concerns.
- (b) Contractors desiring enlistment in this class should have permanent Engineering Organisation capable of dealing with large works in all their stages. They should have sufficient machinery and tools, etc. at their disposal for which they should also submit details. They should submit with their application, full details about their Engineering Organisation.
- (c) The applicant should have successfully completed at least three works of not less than Rs. 25 lakhs.
- (d) The applicant should furnish a solvency certificate for not less than Rs. 1.00 crore in the prescribed proforma in a sealed cover from his bankers.

##### **Class II:—**

- (a) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 10,00,000/- each.
- (b) The contractor or firm having no past experience of building work shall also be eligible for enlistment in this class provided the working capital is not less than Rs. 4 lakhs. The individual or one of the partners of the firm should however be a qualified graduate Civil Engineer with not less than 10 years experience.

##### **Class III:—**

- (a) Firms desiring enlistment in this class should satisfactorily execute atleast three works of not less than Rs. 3,00,000/- each.
- (b) The contractor or firm having no past experience of building works shall also be eligible for enlistment in this class provided the working capital is not less than Rs. 1.50 lakhs. The individual or one of the partners of the firm should, however be a qualified Graduate Civil Engineer with not less than 3 years experience or a recognised (Diploma Holder) with 10 years experience.

##### **Class IV:—**

- (a) Firms desiring enlistment in this class should have satisfactorily executed atleast three works of not less than Rs. 1,00,000/- each.

(c) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 2.00 lakhs each.

(d) The contractor or firm having no past experience of Electrical works shall also be eligible for enlistment in this class provided the working capital is not less than Rs. 3.00 lakhs. The individual or one of the partners of the firm should be a qualified Engineer possessing the University degree in Electrical Engineering and having experience of not less than seven years. The Engineer should have executed satisfactorily in a responsible capacity works as mentioned in para (c) above.

#### Class II (Electrical):—

(a) Contractors desiring enlistment in this class shall be required to deposit earnest money at the rate of 2.5% of the estimated cost with their tenders.

(b) Contractors desiring enlistment in this class should possess a valid Electrical Licence.

(c) Firms desiring enlistment in the class should have satisfactorily executed at least three works of not less than Rs. 75,000/- each.

(d) The contractor or firm having no past experience of Electrical works shall also be eligible for enlistment in this class provided the working capital is not less than Rs. 1.00 lakhs. The individual or one of the partners of the firm should be a qualified Engineer possessing a University Degree in Electrical Engineering and having experience of not less than 5 years or a recognised Diploma Holder Engineer with not less than 15 years experience. The Engineer should have executed satisfactorily in a responsible capacity works as mentioned in para (c) above.

#### Class III (Electrical):—

(a) Contractors desiring enlistment in this class shall be required to deposit earnest money @ 2.5% of the estimated cost with their tenders.

(b) Contractor desiring enlistment in this class should possess a valid Electrical Licence.

(c) Firms desiring enlistment in this class should satisfactorily execute at least three works of not less than Rs. 25,000/- each.

(d) The contractors or firm having no past experience of Electrical works shall also be eligible for enlistment in this class provided the working capital is not less than Rs. 40,000/-. The individual or one of the partners of the firm should be an Engineer possessing a recognised diploma in Electrical Engineering and having experience of not less than 5 years. The Engineer should have executed satisfactorily in a reasonable capacity works as mentioned in para (c) above.

#### Class IV (Electrical):—

(a) As this class of contractors will include petty suppliers as well as those people who may be carrying out petty repair works, it is not necessary to specify any qualifications for the recruitment of this class of contractors but the firm should have a working capital of not less than Rs. 25,000/-.

(b) They will be required to deposit earnest money @ 2.5% of the estimated cost with their tenders.

(c) They must have valid Electrical licence.

#### Class I (Furniture Contractors):—

(a) Contractors desiring enlistment in this class shall be as under:—

Class I (qualified to tender for works upto any amount).

Class II (qualified to tender for works upto Rs. 4.50 lakhs).

Class III (qualified to tender for works upto Rs. 2.00 lakhs).

Class IV (qualified to tender for works upto Rs. 45,000/-).

#### Earnest Money:

2.5% of the estimated cost put to tender subject to Rs. 1.00 lakhs maximum.

#### Security Deposit:

(a) Security deposit will be recovered in the manner indicated in para (4) above under (Electrical contractors).

(b) Contractor desiring enlistment in this class should possess properly fitted wood workshop with sufficient large stock of timber. They should have paint, polish and other finishing equipment and they should employ designers who are capable of producing well thought out schemes for furnishing large buildings.

(c) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 1.00 lakhs each and aggregate of all works executed should not be less than Rs. 5.00 lakhs.

#### Class II (Furniture Contractor):—

(a) Contractor desiring enlistment in this class shall be required to deposit earnest money @ 2.5% of the estimated cost put to tender. Security deposit will be recovered in all cases in the manner as indicated in para (4) above.

(b) There is no option for contractors of this class to deposit lumpsum security for securing exemption from the payment of earnest money.

(c) Contractors desiring enlistment in this class should have a wood workshop, maintain a sufficient stock of timber and have arrangements for production of good quality furniture. They should also have adequate arrangements for good quality polishing and paintings.

(d) Firms desiring enlistment in this class should have satisfactorily executed atleast three works of not less than Rs. 30,000/- each and the aggregate of all works executed should not be less than Rs. 1.50 lakhs.

#### Class III (Furniture Contractors):—

(a) Contractor desiring enlistment in this class shall be required to deposit earnest money @ 2.5% of the estimated cost with their tenders.

Security deposit will be recovered in all cases in the manner as indicated in para (4) above.

(b) There is no option for contractors if this class to deposit lumpsum security for securing exemption from the payment of earnest money.

(c) Contractors desiring enlistment in this class should own wood workshop and have arrangements for producing good quality furniture. They should also have adequate arrangements for good quality polishing and paintings.

(d) Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 7500/- each and the aggregate of all works executed should not be less than Rs. 40,000/-.

#### Class IV (Furniture Contractors):—

(a) This class of contractors will consist of petty suppliers engaged in the trade of furniture supply.

(b) They will be required to pay earnest money and security deposit in the same manner as prescribed for Class II and III (Furniture) contractors.

#### General Rules:—

(i) All the contractors are required to apply to the Income Tax Officers of the area in which they are assessed for grant of Income Tax Clearance Certificate in the month of May every year.

The Tax Clearance Certificate in original should be submitted to the Chief Engineer, PWD, who has enlisted the contractors by the end of June every year.

(ii) The contractors who fail to submit the Income Tax Clearance Certificate or fail to show any justification for non-submission of the Income Tax Clearance Certificate in their names will be liable to be removed from the approved list of contractors.

(iii) Contractors shall require to certify that they will not get themselves registered under more than one name.

(iv) No Engineer if Gazetted rank or other Gazetted Officer employed in Engineering or Administrative duties in the Engineering Department of the Government of Goa shall be allowed to work in the PWD either as contractor or as an employee of a contractor after a period of two years of his retirement from Government services, without the prior permission of the Government. If subsequently, either the contractor or any of his employees is found any time to be such a person who had not obtained the permission of the Government as aforesaid, his name is liable to be removed from the list of approved contractors.

(v) Contractors who are near relatives of Divisional Accountant or Engineering Officers between the grades of Superintending Engineer and Assistant Engineer of the Public Works Department, will not be allowed to tender for works in circle (responsible for award and not execution of contract) where their near relative is working.

*Note:* A near relative will include wife, husband, parents, and grand parents, children and grand children, brothers and sisters, uncles, aunts and cousins and their corresponding in-laws.

(vi) The list of approved contractors will be reviewed periodically with a view to recommending the weeding out of contractors who indulge in malpractices or are otherwise found to be unsuitable.

(vii) They are required to secure works in the Department. In case they fail to secure any work during the period of three consecutive years, the contractors are liable to be weeded out from the approved list of contractors of this Department.

(viii) They should also intimate the change in their permanent address, if any, in future, and in case they fail to intimate such changes to the Department, their names will be removed from the approved list of contractors.

(ix) The contractor/firm shall not enter into any fresh partnership without the prior knowledge of the Department. Such proposal, if any, shall be submitted in advance giving full details of the intending partnership/sole proprietorship alongwith the draft partnership deed/affidavit. Any departure from this will render the contractor/firm liable to be removed from the approved list of contractors of this Department.

(x) The contractor may be demoted to a lower class if he:—

(a) fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defects; or

(b) has no longer adequate equipment, technical personnel or financial resources; or

(c) is litigious by nature; or

(d) violated any important conditions of contract; or

(e) is responsible for a conduct which may justify his demotion to a lower class.

(xi) The name of the contractor may be removed from the approved list of contractors if he:—

(a) has failed to execute a contract or has executed it unsatisfactorily, on more than one occasion; or

(b) is proved to be responsible for constructional defects in a number of cases; or

(c) persistently violates any important conditions of the contract; or

(d) fails to abide by the conditions of registration; or

(e) is found to have given false information at the time of registration; or

(f) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned; or

(g) persistently violates the labour regulations and rules.